

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**GILBERT GONZALES, Individually  
and on Behalf of All Others Similarly  
Situated,**

**Plaintiff,**

**V.**

**QUALITY RESIDENTIAL & COM-  
MERCIAL PAINTING, INC., and  
RICHARD ZARAZINSKI.,**

## Defendants.



**CIVIL NO. 5:20-CV-0568-JKP**

## ORDER OF DISMISSAL


Plaintiff commenced this action as a collective action under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, *et seq.* See Orig. Compl. (ECF No. 1). The Court has under consideration the parties’ *Joint Motion for Approval of Settlement Agreement and Dismissal of Case with Prejudice* (ECF No. 14). A review of the submitted motion and copy of the Settlement Agreement shows that the parties have a bona fide FLSA dispute over hours worked and compensation owed. In accordance with the Court’s review and consideration of the applicable law and the matters presented in the motion, the Court **GRANTS** the joint motion, **FINDS** the existence of a bona fide FLSA dispute in this case, and **APPROVES** the parties’ settlement and their Settlement Agreement as a fair and reasonable resolution of the Parties’ bona fide disputes.

Accordingly, pursuant to Fed. R. Civ. P. 41(a)(2), the Court **DISMISSES** this action in its entirety with prejudice with respect to all claims by Plaintiff Gilbert Gonzales. Each party shall bear their own attorney's fees and costs. With respect to putative class members, the Court **DISMISSES** this action without prejudice to pursuit of their claims in a different case. The Set-

tlement Agreement does not release or waive any rights of any putative member of the collective action, other than Plaintiff.

To the extent Fed. R. Civ. P. 58(a) requires a separate final judgment, this order of dismissal constitutes the final judgment in this case and the Court **directs the Clerk of Court to close this case.**

**IT IS SO ORDERED this 15th day of December 2020.**

  
**JASON PULLIAM**  
**UNITED STATES DISTRICT JUDGE**